

**III** Ralph A. Schwartz, PC

ATTORNEYS AT LAW

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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

RALPH A. SCHWARTZ, PC, A )  
Professional Corporation; )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JAMES M. SNYDER, individually; )  
OPERATING ENGINEERS LOCAL 501 )  
SECURITY FUND, doing business in Clark )  
County, State of Nevada; COMMUNITY )  
AMBULANCE; INNOVATIVE PAIN )  
CARE CENTER; J. PAUL WIESNER & )  
ASSOCIATES, CHARTERED, a Nevada )  
Domestic Professional Corporation d/b/a )  
RADIOLOGY ASSOCIATES OF )  
NEVADA; FREMONT EMERGENCY )  
SERVICES (SCHERR), LTD., a Nevada )  
Domestic Professional Corporation; )  
VALLEY HEALTH SYSTEM LLC, a )  
Foreign Limited-Liability Company d/b/a )  
SPRING VALLEY HOSPITAL MEDICAL )  
CENTER; MICHAEL SCHNEIER )  
NEUROSURGICAL CONSULTING, P.C., )  
a Nevada Domestic Professional )  
Corporation; DIGNITY HEALTH, a )  
Foreign Nonprofit Corporation d/b/a )  
ST. ROSE DOMINICAN, SIENA )  
CAMPUS; LAW OFFICES OF )  
STEPHENSON, ACQUISTO & )  
COLMAN, INC., a California corporation; )  
HEALTHCARE REVENUE RECOVERY )

Case No.: 2:21-cv-00909-JAD-DJA

**MOTION TO SET ASIDE DEFAULT**  
**RE: DEFENDANT HEALTHCARE**  
**RECOVERY GROUP, LLC d/b/a**  
**HRRG, ONLY**

1 GROUP, LLC, a Foreign Limited-Liability )  
 2 Company d/b/a HRRG; PLUSFOUR, INC., )  
 3 a Nevada Domestic Corporation; DOES 1 )  
 4 through 10, inclusive; and ROE )  
 5 CORPORATIONS 1 through 10, inclusive, )  
 6 Defendants. )

7 Pursuant to Rules 55(c) and 60(a) of the Federal Rules of Civil Procedure, Plaintiff, Ralph  
 8 A. Schwartz, PC, moves to set aside the Default Judgment entered in this matter on November 1,  
 9 2022 [32] as it pertains to Defendant Healthcare Revenue Recovery Group, LLC, a Foreign  
 10 Limited-Liability Company d/b/a HRRG, only.

# 11 **I. PRELIMINARY STATEMENT**

12 Fed.R.Civ.P. 60(a) states:

13 (a) Corrections Based on Clerical Mistakes; Oversights and Omissions. The court  
 14 may correct a clerical mistake or a mistake arising from oversight or omission  
 15 whenever one is found in a judgment, order, or other part of the record. The court  
 16 may do so on motion or on its own, with or without notice. . .”

17 Additionally, Fed.R.Civ.P. 55(c) states “[t]he court may set aside an entry of default for  
 18 good cause. . .”

19 In this matter, good cause exists for this Court to set aside the default judgment in this  
 20 case again Defendant Healthcare Revenue Recovery Group, LLC, a Foreign Limited-Liability  
 21 Company d/b/a HRRG, only, due to an error which occurred by the undersigned and his office.

# 22 **II. FACTUAL AND PROCEDURAL BACKGROUND**

23 A Complaint in Interpleader was filed on April 5, 2021 in the Eighth Judicial District  
 24 Court, Case No. A-21-832300-C. Defendant, Operating Engineers Local 501 Security Fund  
 25 removed this matter to Federal Court on May 10, 2021.  
 26  
 27  
 28

1 On September 15, 2022, Plaintiff filed Motions for Clerk's Entry of Default Against all  
2 remaining non-answering Defendants.

3 Subsequent to Plaintiff's filing of the Motion regarding Defendant Healthcare Revenue  
4 Recovery Group, LLC, a Foreign Limited-Liability Company d/b/a HRRG, only, Plaintiff was  
5 contacted by Leslie Bender, Esq., an attorney for Defendant, Healthcare Revenue Recovery  
6 Group, LLC, a Foreign Limited-Liability Company d/b/a HRRG, and Ms. Bender provided a  
7 signed Disclaimer of Interest – Healthcare Revenue Recovery Group, LLC d/b/a HRRG from  
8 Defendant's out-of-state attorney with a request to file said Disclaimer on Defendant's behalf.  
9 The undersigned's paralegal attempted to file the Disclaimer of Interest with this Honorable  
10 Court as a courtesy to Defendant Healthcare Revenue Recovery Group, LLC, a Foreign Limited-  
11 Liability Company d/b/a HRRG, only and was unable to do so as the undersigned's office is not  
12 counsel for Defendant.  
13

14  
15 In the interim, the undersigned was out of this jurisdiction for periods of time due to an  
16 illness and ultimate death in his family. On November 1, 2022, this Court entered defaults  
17 against numerous entities in this matter, including Healthcare Revenue Recovery Group, LLC, a  
18 Foreign Limited-Liability Company d/b/a HRRG, on November 1, 2022. Upon return to the  
19 office, and after more closely reviewing the defaults recently ordered by this Court in this matter,  
20 the undersigned realized the default taken against Healthcare Revenue Recovery Group, LLC, a  
21 Foreign Limited-Liability Company d/b/a HRRG was done in error. It is clear based on the  
22 Disclaimer of Interest on behalf of Defendant Healthcare Revenue Recovery Group, LLC, a  
23 Foreign Limited-Liability Company d/b/a HRRG any default motions filed against this entity by  
24 the undersigned by mistake. The undersigned greatly apologizes to the Court for this error and the  
25 work done by the Court regarding this matter.  
26  
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28



1                   **III.     ARGUMENT AND AUTHORITIES**

2                   The Federal Rules of Civil Procedure set forth the parameters for the District Court's  
 3 ability to relieve a party or its legal representative from a final judgment, order, or proceeding.  
 4 Specifically, Rule 60(a) provides that a "court may correct a clerical mistake or a mistake arising  
 5 from oversight or omission whenever one is found in a judgment, order, or other part of the  
 6 record . . ." Fed.R.Civ.P. 60(a). It is evident the undersigned mistakenly filed the default against  
 7 Defendant Healthcare Revenue Recovery Group, LLC, a Foreign Limited-Liability Company  
 8 d/b/a HRRG when it was clear the undersigned had received the Disclaimer of Interest which was  
 9 sufficient enough to avoid seeking Default Judgment.  
 10

11                   **IV.     CONCLUSION**

12                   For the aforementioned reasons, this Court should set aside the default judgment against  
 13 Defendant Healthcare Revenue Recovery Group, LLC, a Foreign Limited-Liability Company  
 14 d/b/a HRRG, only.  
 15

16                   Dated this 2<sup>nd</sup> day of November, 2022.

17  
 18                   RALPH A. SCHWARTZ, PC

19  
 20                   /s/ Ralph A. Schwartz, Esq.  
 21                   Ralph A. Schwartz, Esq.  
 22                   Nevada Bar No. 5488  
 23                   400 South Seventh Street, Suite 100  
 24                   Las Vegas, Nevada 89101  
 25                   Attorneys for Plaintiff

26                   ///

27                   ///

28                   ///

**CERTIFICATE OF SERVICE**

Pursuant to N.R.C.P. 5(b), I hereby certify that I am an employee of RALPH A. SCHWARTZ, P.C., and that on the 2nd day of November, 2022, I caused a true and correct copy of the foregoing **MOTION TO SET ASIDE DEFAULT RE: DEFENDANT HEALTHCARE RECOVERY GROUP, LLC d/b/a HRRG, ONLY** to be served as follows:

- \_\_\_\_\_ by depositing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, enclosed in a sealed envelope; or
- \_\_\_\_\_ by facsimile transmission, pursuant to E.D.C.R. 7.26, as indicated below; or
- X by electronic service, pursuant to N.E.F.C.R. 9 and Administrative Order 14-2, as indicated below:

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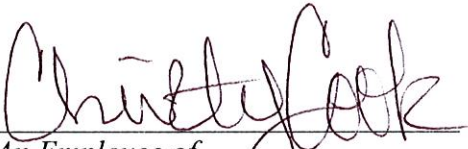
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An Employee of  
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 Ralph A. Schwartz, PC

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